

REMARKS/ARGUMENTS

The Examiner is thanked for the careful review of this Application. Claims 1-25 are pending after entry of the present Amendment. Amendments were made to the claims to correct typographical errors and better define the claimed invention. The amendments do not introduce new matter.

Objections to Claims:

The Office has objected to claims 2 and 10 for lacking sufficient antecedent basis for the features “the computer center” and “the rack.” The Applicant respectfully submits that objections to claims 2 and 10 are moot in view of the amendments to claims 2 and 10. Accordingly, it is respectfully requested that objections to the claims 2 and 10 be withdrawn.

Rejections under 35 U.S.C. § 102(b)

The Office has rejected claims 1, and 4-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,974,862 to Lander et al. (Lander). The Applicant respectfully traverses each rejection for at least the following reasons.

Lander discloses a method for detecting leaks in a pipeline. The subject invention, however, as defined in the amended independent claims 1 and 9, provides a method and a localizing system for determining the physical location of a source, respectively. Among other features, Lander fails to disclose a transmitter device for transmitting identifiable acoustic signals. Lander further fails to disclose receiving of the acoustic signals transmitted by the transmitter device by at least a pair of sensors. Rather, Lander, uses sensors applied to a pipeline to sense vibrations resulting from a leak in a pressured pipeline (i.e. propagations of vibrations associated with a leak present in a pipeline including pressurized fluid). Thus, contrary to the claimed invention wherein a transmitter device is used to transmit the acoustic signals, Lander fails to disclose a transmitter device. The Applicant respectfully submits that the digital transceiver 44 disclosed in Lander is a remote transmitting device that receives the outputs of data packets from the processor 42, and transmits the outputted data packets to the base station 26. Thus, contrary to the claimed invention wherein the transmitter device transmits the acoustic signals, the component 44 of Lander does not transmit the propagated vibrations.

Furthermore, in the claimed invention, a transmitter device is used to transmit identifiable acoustic signals (i.e., acoustic signals distinctive from the background noise).

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Lander, however, does not transmit identifiable signals. Rather, Lander uses filters to filter out the background noise from the propagated vibrations.

Thus, amended independent claims 1 and 9 are respectfully submitted to be patentable under 35 U.S.C. § 102(b) over Lander. In a like manner, dependent claims 4-8 and 10-16 each of which directly or indirectly depends from the respective independent claim 1 or 9 are submitted to be patentable 35 U.S.C. § 102(b) over Lander for at least the reasons set forth above regarding the corresponding independent claim 1 and 9. As such, the Applicant respectfully requests that the § 102(b) rejections be withdrawn.

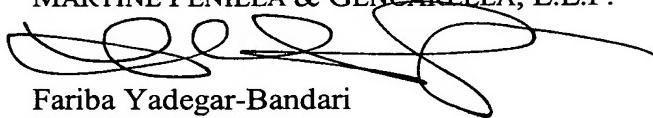
Indication of Allowability:

The Applicant herein acknowledges the allowability of claims 17-25.

The Applicant further acknowledges the allowability of the amended independent claims 2 and 3. Per the Office's indication, the Applicant has rewritten the objected to claims 2 and 3 so as to include all the features of the base claim (independent claim 1). Claim 2 has further been amended to overcome the informalities pointed out by the Office.

In view of the foregoing, the Applicant respectfully submits that rejected claims 1, 4-16 are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6913. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP242). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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